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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,073	02/13/2002	William Glen Harter	A0000428-01-CFP	7569

28880 7590 12/13/2004
WARNER-LAMBERT COMPANY
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ANN ARBOR, MI 48105

EXAMINER

TRUONG; TAMTHOM NGO

ART UNIT PAPER NUMBER

1624

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,073	HARTER ET AL.	
	Examiner	Art Unit	
	Tamthom N. Truong	1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10,13-23,33,46,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6,9,53 and 54 is/are rejected.
- 7) ☒ Claim(s) 7,8,10,13-23,33 and 46 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-01-04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Applicant's amendment of 10-01-04 has been fully considered. The cancelled claims have overcome the previous 102 rejections based on **Furuya et. al.** (US'819, WO'405, WO'597, WO'119), **Morimoto et. al.** (US'661 and EP'568).

Claims 1-5, 11, 12, 24-32, 34-45, and 47-52 have been cancelled.

Claims 6-10, 13-23, 33, 46, 53 and 54 are pending.

An update search raise the following new ground of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 6, 9, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ahluwalia et. al.** (CA 125:142666, 1996). In the abstract, Ahluwalia et. al. disclose a compound of *Thieno[2,3-d]pyrimidine-6-carboxylic acid, 1,2,3,4-tetrahydro-1,3-bis(2-methoxyphenyl)-4-oxo-2-thioxo-, methyl ester* (Reg. No. 179925-73-6). The compound reads on formulae I, and II with the following substituents:

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i. R^1 and R^4 , each represents a substituted $(CH_2)_n$ aryl group; wherein $n = 0$.

Note, the limitation of " $(CH_2)_n$ aryl" is open to both unsubstituted and substituted aryl group.

ii. R^2 is hydrogen;

iii. A is $-C(=O)$; B is O;

iv. R^3 is C_1 - C_6 alkyl group;

v. X is $-S-$;

vi. Y is O or S.

2. Claims 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rajappa et. al.** (CA 81:63420, 1974). In the abstract, Rajappa et. al. disclose a compound of *Thieno[2,3-d]pyrimidine-6-carboxylic acid, 1,2,3,4-tetrahydro-3,5-dimethyl-2,4-dioxo-1-phenyl* (Reg. No. 53002-53-2) that reads on formula I with the following substituents:

vii. R^1 , each represents a substituted $(CH_2)_n$ aryl group; wherein $n = 0$. Note, the limitation of " $(CH_2)_n$ aryl" is open to both unsubstituted and substituted aryl group.

viii. R^2 is hydrogen;

ix. A is $-C(=O)$; B is O;

x. R^3 is C_1 - C_6 alkyl group;

xi. R^4 is an alkyl group;

xii. X is $-S-$;

xiii. Y is O.

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Claim Objections

3. Claims 7, 8, 10, 13-23, 33, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above references do not teach formula I, II wherein A-B is $-C(=O)-NR^5$, or $-C\equiv C-$, nor do they teach compounds of formula III. Note, the compound of Rajappa et. al. does not read on formula III because it has been excluded by the proviso in claim 10. Claims 13-23 are drawn to species that are not taught in the prior arts of record.

Information Disclosure Statement


4. The information disclosure statement (IDS) submitted on 10-01-04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (10:00-6:30).

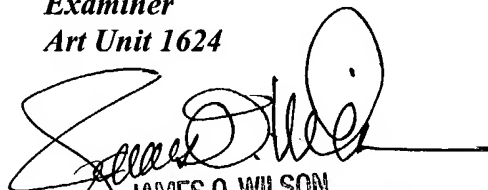
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamthom N. Truong
Examiner
Art Unit 1624

12-07-04


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
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